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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,273	07/08/2003	Frank A. Walton	WALT-023	8205

7590 10/12/2004

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EXAMINER

KERSHTEYN, IGOR

ART UNIT PAPER NUMBER

3745

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,273

Applicant(s)

WALTON ET AL.

Examiner

Igor Kershteyn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 8-14 is/are rejected.
- 7) ☒ Claim(s) 5, 7 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/12/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings are objected to for being informal drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

The abstract of the disclosure is objected to because it exceeds the range of 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 9-12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Walton (5,137,435).

In figures 4 and 5, Walton teaches a system to inject a secondary fluid into a primary fluid, comprising a fluid powered motor 10 driven by a primary fluid stream, a liquid additive injection pump driven by the fluid powered motor, and an on/off switch mechanism 66a, 190,192 coupled to the fluid motor 10 to selectively suspend operation of the fluid powered motor 10.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Walton et al. (4,809,731).

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In figures 8 and 12, Walton et al. teach a system to inject a secondary fluid into a primary fluid, comprising a fluid powered motor 212 driven by a primary fluid stream, a liquid additive injection pump 271 driven by the fluid powered motor 212, and an on/off switch mechanism 370,372,374,376,378,380 coupled to the fluid motor 212 to selectively suspend operation of the fluid powered motor 212.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Walton (5,513,963).

In figures 1-4 and 9, Walton teaches a system to inject a secondary fluid into a primary fluid, comprising a fluid powered motor 10 driven by a primary fluid stream, a liquid additive injection pump 12 driven by the fluid powered motor 10, and an on/off switch mechanism 124 coupled to the fluid motor 10 to selectively suspend operation of the fluid powered motor 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walton (5,137,435) in view of Flagg et al. (3,610,264).

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Walton teaches all the claimed subject matter except that he doesn't teach the on/off switching mechanism includes visual indicia of it's condition as being "off".

Flagg et al., in figures 1-4a, teach an on/off switching mechanism 11 that includes visual indicia of it's condition as being "off".

Since Walton and Flagg et al. are analogous art because they are from the same field of endeavor, that is the switching mechanism art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the switching mechanism of Walton with the indicia as taught by Flagg et al. for the purpose of visual indication of current position of the switching mechanism.

Allowable Subject Matter

Claims 5, 7, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of three patents.

Tacchi (3,228,560) is cited to show a system to inject a secondary fluid into a primary fluid, comprising a fluid powered motor driven by a primary fluid stream, a liquid additive injection pump driven by the fluid powered motor, but fails to teach an on/off

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switch mechanism coupled to the fluid motor to selectively suspend operation of the fluid powered motor.

Bryant (5,951,265) is cited to show a system to inject a secondary fluid into a primary fluid, comprising a fluid powered motor driven by a primary fluid stream, a liquid additive injection pump driven by the fluid powered motor, but fails to teach an on/off switch mechanism coupled to the fluid motor to selectively suspend operation of the fluid powered motor.

Urrutia (6,684,753) is cited to show a system to inject a secondary fluid into a primary fluid, comprising a fluid powered motor driven by a primary fluid stream, a liquid additive injection pump driven by the fluid powered motor, but fails to teach an on/off switch mechanism coupled to the fluid motor to selectively suspend operation of the fluid powered motor.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is (703) 308 8317. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

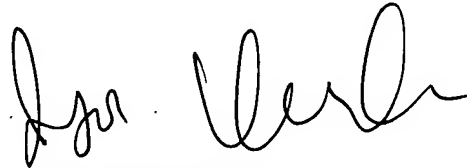
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on (703) 308 1044. The fax number is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK

September 29, 2004



Igor Kershteyn
Patent examiner.
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EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

10/10/04